

**Minutes of the Regular Planning Board Meeting  
Monday, December 10, 2007**

1. CONVENE: 7:07 p.m.
2. FLAG SALUTE: Board member McNamara.
3. ROLL CALL: President Cook, Vice President Kohlstrand, Board Members Ezzy Ashcraft, Lynch, and McNamara.

Board members Cunningham, Mariani were absent from roll call.

Also present were Planning Services Manager Andrew Thomas, Assistant City Attorney Farimah Faz, Planner III Doug Garrison, Planner I Simone Wolter, Dorene Soto, Economic Development, Miriam Delagrange, Economic Development. Eric Fonstein, Economic Development.

4. MINUTES:
  - a. Minutes for the meeting of November 13, 2007.
  - b. Minutes for the meeting of November 26, 2007.

Staff requests a continuation of November 13, 2007 Minutes and November 26, 2007 Minutes.

The minutes will be considered at the meeting of January 14, 2008.

5. AGENDA CHANGES AND DISCUSSION:

President Cook requested that Item 8-A be moved to the Regular Agenda.

6. STAFF COMMUNICATIONS:

- a. Future Agendas

Mr. Thomas provided an update on future agenda items.

In response to an inquiry by Board member Ezzy Ashcraft when staff estimated a green building ordinance may be put on the books in Alameda, Mr. Thomas replied that in February or March 2008, the Planning Board would hear a presentation by the consultants and staff, outlining alternative approaches to tackling it. One approach would be to include everything in one package, which would take longer; the second approach would be to implement green building ordinances step by step, such as establishing green building standards for City-owned buildings and City projects first. The next step would be all major commercial projects over a certain size, and finally, residential projects

would take longer to define. He noted that such changes to the Building Code could take a long time, following a lot of community discussion.

Board member Lynch suggested that there were avenues available to the leadership of the City that may be explored in addition to this effort. He noted that some cities that have adopted green principles and policies without having a green building ordinance. He suggested that the City leaders explore executive orders, in light of ordinances being passed, that while moving forward with public buildings, that they shall meet a certain threshold. He noted that department heads can issue policy papers that as new permits come forward, that define what they would be looking for that would be consistent with the Uniform Building Code as the process moves forward.

b. Zoning Administrator Report

Mr. Thomas provided the Zoning Administrator report.

7. ORAL COMMUNICATION: None.

8. CONSENT CALENDAR: None.

8-A. **PLN07-0059 (Use Permit) – BurgerMeister 2315 Central Avenue.** The applicant requests a Use Permit for extended hours of operations from 11 am – 2 am Monday through Sunday pursuant to AMC 30-4.9A(c)(1)(a), and use of an outdoor patio for up to 24 seats pursuant to AMC 30-4.9A(c)(1)(b). The site is located within a C-C-T, Community Commercial Theater Zoning District. (SW) **The Zoning Administrator has referred this item to the Planning Board.**

This item was moved to the Regular Agenda.

Board member Ezzy Ashcraft noted that she was enthusiastic about the theater project in general, and believed that this restaurant would be a positive addition. She was concerned about extending the hours of operation to 2:00 a.m. She noted that the restaurant's website identified three other San Francisco/Daly City locations, all of which closed by 10 or 11 p.m. She understood the late closing was related to the theater, but was not sure that families would be out that late; she also inquired how late AC Transit operated in that area. She suggested that a closing time of 11:00 p.m. or midnight would be more appropriate for the Park Street district.

In response to an inquiry by Vice President Kohlstrand regarding the closing time for La Pinata, Board Member Lynch replied that it was open until 3:00 a.m.

Ms. Wolter noted that the applicant requested the closing time.

The public hearing was opened.

Mr. Paul McGann, applicant, noted that they would like to have the option to be open until 2:00 a.m., which did not mean they would be open that late. He would like to see what the foot traffic would be like, and what the neighborhood reaction would be. He noted that if there was no business after 11:00, they would close at that time.

Mr. Eric Reese, applicant, noted that if people came out of the theater after 11:30 or midnight, that would give them the option to get something to eat. He noted that the other locations did not dictate a later hour, and added that they had never had any trouble at those locations.

In response to an inquiry by Board member McNamara whether they planned to apply to a liquor license, Mr. Reese replied that they planned to apply for a liquor license.

In response to an inquiry by Board member McNamara regarding the time of the end of the last movie, Doreen Soto, Development Services, replied that the last showing of the theater must start by 11:30 p.m. They had the ability to show a midnight show for blockbuster movies, such as Harry Potter; they must also report to the Planning Board annually to report on the queuing. She noted that the last people would be out of the theater by 12:30 – 1:00 a.m.

Mr. Thomas noted that the wine bar use permit allowed them to stay open until midnight.

Board Member Lynch noted that he liked having a choice for late-night eating, and noted that this was a commercial district that should have a balance of opportunities for restaurant consumers.

Board member McNamara inquired whether the outdoor seating would be open during the late hours, which she believed would create a noise issue for the neighborhood. She inquired whether the outdoor seating could be brought inside for the late-night hours. Mr. Thomas replied that the use permit could be structured that way, and did not know what the applicants thought of that option.

Mr. McGann replied that would entail bringing the tables and chairs inside, which may interfere with the operation of the business because there was no inside storage.

Mr. Reese noted that they could ask the patrons to dine inside, and added that at that late hour, it would probably be too cold to eat outside.

Vice President Kohlstrand agreed with Board Member Lynch, and did not have an issue with the extended hours. She noted that this use was in a commercial district, and was not adjacent to a residential neighborhood, and that the nearest homes were half a block down.

In response to an inquiry by Vice President Kohlstrand whether they planned to use outdoor heaters, Mr. McGann replied that they did not plan to use them. He added that they planned to store the tables and chairs inside when the restaurant was closed, and that

they would probably close by 10 or 11 Sunday through Thursday. They would like to offer late-night dining on Friday or Saturday nights after the theater.

President Cook inquired whether the use permit would be subject to revocation if it became a public nuisance. Mr. Thomas replied that Condition 1 could be left as is, with a 2:00 a.m. closing time, and add that a review be performed after six to 12 months, such as with the coffee house. He noted that the other approach would be to modify the closing hours by day or time, with the understanding that the applicant could request a modification.

Board Member Lynch suggested that the Board consider a one-year review to allow the Board and community to learn about the use and see the cycle through; he believed that a six-month cycle would be too short a cycle. He was not in favor of restricting the hours at this time, because the business model was tied to the number of people who attend the theater.

Board member Ezzy Ashcraft expressed some concern that the San Francisco locations did not warrant a later closing time, and did not want to see other problems created on Park Street. Mr. Reese noted that he was involved with 15 other restaurants, and noted that weather would keep people inside; they would like to help Alamedans enjoy their post-theater dining experience.

Mr. McGann noted that their other locations did not experience any problems with the neighborhood, and that they would be happy to adjust their hours as required. He noted that the business volume would dictate the operating hours, and added that his track record indicated that they operated a family-friendly restaurant.

Board member Ezzy Ashcraft moved to adopt Planning Board Resolution No. 07-\_\_ to approve a Use Permit for extended hours of operations from 11 am – 2 am Monday through Sunday pursuant to AMC 30-4.9A(c)(1)(a), and use of an outdoor patio for up to 24 seats pursuant to AMC 30-4.9A(c)(1)(b), with the following modification: The one-year review will commence on the date of opening.

Board Member Lynch seconded the motion, with the following voice vote – 5. Noes: 0 Absent: 2 (Cunningham, Mariani). The motion passed.

9. REGULAR AGENDA ITEMS:

**9-A. Large Format Retail Store Workshop - Applicant - City of Alameda.** The City of Alameda will consider proposed zoning text amendments to the Alameda Municipal Code related to large format retail stores and the location of retail uses throughout Alameda. The proposed text amendments include a definition of large format retail store and proposed provisions requiring a use permit for different types of retail uses in certain zoning districts. The proposed amendments would

affect all properties in non-residential zoning districts and mixed use zoning districts. (DG)

Mr. Garrison presented the staff report.

Board Member Lynch noted that with respect to the language: “Ensure that adverse effects on the economic vitality of existing commercial districts are minimized,” he would like staff’s definition of “vitality.” He suggested using the word “viable,” because what is vital to one individual may not be to another, nor to the tax rolls.

Mr. Garrison noted that these questions were encountered while writing the General Plan policies, and that the findings were based on the policies.

Board Member Lynch requested clarification on the terms “fair” and “equitable” as they related to existing businesses and their desire to modify, upgrade and expand, and their desire to say “nonconforming.” He requested that staff include insurability and financing of the projects.

Mr. Garrison noted that the businesses became nonconforming because they did not have a use permit, not in the more traditional sense of not meeting a setback, or a healthy and safety issue. He noted that they would like to gain the business community’s knowledge so as to not penalize good businesses that have been in business for a long time.

Board Member Lynch noted that he was comfortable with that, and suggested that as staff moved through the facilitated process of engaging the business community, that someone address where the community should go, and what it should look like legally 20 to 30 years in the future. Another question would be addressing what the relationship would be for a viable business to continue with their viability in the community, so that a legal distinction can be reached for the entire community. He noted that people will patronize a store if they enjoy the projects, and he believed the City should encourage that. He noted that business owners should also remain current with the City’s guidelines. He suggested that staff insert those concepts in the conversation.

Board member Ezzy Ashcraft inquired about the Use Permit Requirements at the top of page 4: “A single large format retail use permit would be required for shopping centers consisting of multiple buildings with 30,000 or more square feet of cumulative floor area.” She inquired whether only one use permit would be required if there were numerous 30,000 square foot uses. Mr. Garrison replied that they discussed the possibility of numerous stores of 29,000 square feet that would be exempt, and they wanted to ensure there would not be a loophole. The idea was to link it to the shopping center as one large entity, not a specific building in the shopping center.

Board member Ezzy Ashcraft believed that the language, “The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities,” could include more detail such as bike racks, bus stops and pedestrian

walkways.” Mr. Garrison replied that was in the nature of findings, which summarized all of the review that had been performed; the finding would be summarized in that way.

Board Member Lynch suggested that specific items were tangible, operational items that should be included to flesh out the macro findings.

Board member Ezzy Ashcraft wanted to ensure there were adequate safeguards to reflect the work that had been done.

Mr. Garrison noted that the Design Review Manual would be more appropriate to incorporate that level of detail, including recommended minimum width sidewalks and so on.

Vice President Kohlstrand believed that staff’s work on the guidelines was very positive, and she was encouraged to see the people from EDC in attendance as well. She believed that the bigger issues should be addressed first, such as the appropriateness of more shopping centers. She believed that public opinion seemed to be moving away from the development of shopping centers.

Vice President Kohlstrand supported staff’s plan to go back to the business community, and inquired whether a month would be adequate, given the upcoming holidays. Mr. Thomas replied that would not be adequate, but staff and the EDC wanted to move this item forward. They would like to get the Zoning Amendment and General Plan policies to City Council as a complete package.

President Cook noted that she had been concerned about the large buildings at South Shore being changed piece by piece, and would like that level of change to come back to the Planning Board at one time. She inquired whether there were any instances where a nonconforming use would be desirable in a neighborhood commercial district.

Mr. Garrison noted that when the City was looking at 60,000 square foot stores, they were not going to include the C-1 neighborhood districts, because there were already policies in place requiring the businesses to serve the neighborhoods, as well as other restrictions. He noted that the 30,000 square foot stores would still have to meet the other policies and requirements; if they did not, the City had the grounds to deny the use permit, which was a stronger permit than trying to deny it because of the design review when they were not changing the building.

Mr. Thomas noted that there were a number of existing nonconforming businesses that did not have use permits, particularly if they were initiated before the use permit requirement came into place.

Vice President Kohlstrand believed this would be a good conversation to have with the businesses.

Board Member Lynch believed that in this case, the quandary was to either bring the business into a legal status, or allow the business to continue as is.

Mr. Thomas noted that, for instance, Bridgeside Shopping Center would be a legal, nonconforming use.

Board Member Lynch believed there should be one policy from the City that would be consistently applied. He agreed that staff was heading in the right direction with this document.

Mr. Thomas invited Board comment on whether staff was in the right ballpark with respect to the 30,000 square foot policy, and whether that made sense.

The Planning Board generally agreed that staff was headed in the right direction.

Board Member Lynch suggested that when staff brought the nonconforming item back to the Planning Board, that three or four examples be provided and walked through to provide more detail for the Board and the public.

Board Member Lynch left the meeting following Item 9-A.

**9-B. Review and comment on the proposed Economic Development Strategic Plan – Citywide – Applicant – City of Alameda.**

Mr. Eric Fonstein, Economic Development Coordinator, Development Services Department, presented the staff report.

President Cook complimented the EDC on a well-crafted document. She suggested addressing each point in order. Mr. Fonstein noted that staff would incorporate the Board's comments in a document to be presented to City Council.

Strategy 1: Create Industrial and Office Jobs

President Cook noted that there was not much discussion of maritime businesses, which was a rich part of Alameda's history and a significant part of Alameda's attraction to visitors. She would like to see those businesses retained.

Vice President Kohlstrand noted that the stated goal for business parks to attract more restaurants and transit facilities was good, but that they were built as single-use developments, and were not very conducive to people walking around because the uses were spread out. She noted that the land use patterns were significant to how the uses were integrated to begin with, to help generate pedestrian uses.

Board member Ezzy Ashcraft noted that page 5 discussed business retention forums, and added that Mr. Fonstein contributed a significant amount of time and effort to those forums and meetings. She had read that the City's vacancy rates were higher than others

along the 880 corridor, which may have to do with freeway access. She noted that Harbor Bay Business Park was experiencing higher vacancy rates, perhaps because of the lack of amenities. She believed that the business park employees want places to eat for lunch or dinner, or do some shopping. She believed that those amenities should be considered, and suggested surveying the employees at the business parks and large companies such as Wind River regarding those amenities. Regarding historical rail options for transit corridors (page 8, initiative 3), she would like bicycles and pedestrians, but not cars, to be addressed. Regarding a brochure/press kit identifying greenhouse gas reduction impacts, she suggested that rather than using paper brochures, that the City's web site be used instead to reduce the use of resources.

President Cook noted that the end of page 7 read, "Develop and implement a smart growth ordinance that promotes new transit development." She inquired whether that should read "transit-oriented development." Mr. Fonstein agreed.

### Strategy 2 – Increase the Availability and Quality of Retail Goods and Services

President Cook reflected Vice President Kohlstrand's comments on the need to coordinate the objectives of the citizens, EDC and the Planning Board. She noted that A-3 (page 9) read, "Limiting mall-scale retail to Harbor Bay Landing, Marina Village and South Shore Center, and other potential sites of appropriate scale." She added that the Board struggled with Alameda Landing, and that this item reflected that struggle, and that the South Shore process had been an example of the Board's focus on staying away from mall-scale developments.

Vice President Kohlstrand agreed with President Cook's comments, and did not see the survey reflect people wanting more malls. She inquired whether more traditional business districts, such as Park Street or 4<sup>th</sup> Street in Berkeley, would be appropriate in terms of development patterns, not just specific retail stores. She noted that updated thinking may work better, leading to a more compact, pedestrian- and transit-friendly mixed use development.

Board member McNamara supported Vice President Kohlstrand's comments.

Board member Ezzy Ashcraft concurred with Vice President Kohlstrand's comments. She inquired about the notation of the bottom of page 13, which read "Promote Retail Districts at the International Council of Shopping Centers Annual Convention in Monterey."

Doreen Soto, Economic Development, replied that the International Council of Shopping Centers was an organization that followed retail developments and trends, and examined smart growth and green growth alternatives. The conferences contained training sessions, and retailers throughout the country attend the convention. Cities also send representatives to recruit new businesses, and to learn about new trends in retail.



Mr. Fonstein noted that at the last several conferences, the City has specifically promoted Webster Street and Park Street with marketing materials and demographic information.

Mr. Thomas noted that Bay Street in Emeryville was not a mall, but had the same acres of parking, although they were stacked up and generated as many car trips per square foot as Alameda Landing. He believed they did a better job of hiding the parking from a design standpoint.

Vice President Kohlstrand noted that housing had been added to the top of some retail uses on Bay Street.

Mr. Thomas added that retail tenants demand parking.

Vice President Kohlstrand believed the parking requirements were changing the face of the urban area.

Board member Ezzy Ashcraft would like to see the bar set higher in Alameda, and noted that a laudable job had been done on Park Street; she would like to see further progress on Webster Street. She noted that older districts such as Burlingame and Monterey were viable. She took exception to the theme of tenant mix including “larger format chain restaurants, such as those oriented to the shopper so as to avoid diluting the main street business district’s emphasis on entertainment, and independent and fine dining restaurants.” She believed that even in the retail centers, Alameda could do better than large-format chain restaurants, and that quality dining in a shopping center would not detract from quality dining on Webster Street.

President Cook cited that the new Comerica building, which seemed to be ideal for a restaurant, but did not have the required parking. She believed it was important to include the Board’s desire to reduce parking in business districts. She did not want to lose the pedestrian orientation in Alameda Landing.

### Strategy 3 – Business Travel, Market and Limited Impact Tourist Attractions

President Cook noted that it would be important to go further than marketing existing meeting spaces in Alameda, and believed that Alameda needed new meeting spaces. She was concerned that the large civic events like the annual fundraiser for the boys and girls club have to meet in Oakland because there were not large enough facilities to accommodate them in Alameda.

### Strategy 4 – Create Recreational Entertainment Facilities

President Cook reflected the Planning Board’s stated desire to have better public access and commercial and recreational uses on the water so that the waterfront is active and safe. She would like to go further and discuss the need for waterfront design and access plans in Alameda, which had been supported by the Planning Board and City Council.

### Strategy 5 – Provide for Internal and External Traffic Circulation

Vice President Kohlstrand believed the strategies and accomplishments were multimodal in orientation, and believed the strategy should be renamed so it did not focus solely on traffic. She believed it should be identified as a multimodal transportation strategy that looked at emphasizing pedestrian, transit and bicycle access.

Vice President Kohlstrand believed that it was important to avoid “mega-blocks,” and to keep the scale of city at a more reasonable 400-500 feet in length so that pedestrians can get from one place to another comfortably.

Board member Ezzy Ashcraft noted that page 21, Item 1, read, “Develop an action item list that targets how to spend the collected commercial in-lieu parking fees.” She supported a proposal that had been accepted to increase the parking meter fees in Alameda to be more in line with surrounding communities. She noted that the in-lieu fees were not meant for the general fund, but should be fed back into transit and pedestrian improvements, which would bring the business owners online with respect to district improvements.

### Strategy 6 – Foster New Enterprises

Board member Ezzy Ashcraft noted that the Alameda Beauty College had been in place for a long time, and believed that Alameda College would be an ideal location for it. She believed that the Beauty College students might want to take other courses at Alameda College, and noted that there were day care facilities as well. She added that space would be freed up on that block for a more appropriate retail/restaurant use.

President Cook would like to see a way to foster new green uses in Alameda, and to find a market for that goal.

Board member McNamara noted that was listed in the staff report, “Attracting green businesses into the City.” President Cook would like that goal to be incorporated into the plan update.

Board member Ezzy Ashcraft noted that it was also at the bottom of page 8, “Develop fast-tracking or reduced fee permitting for sustainable and green businesses and project to encourage their relocation of green businesses to Alameda, and the development of sustainable buildings,”

Mr. Fonstein noted that they would strengthen the presence of green building opportunities in the document.

### Strategy 7 – Promote Affordable Housing

Board member Ezzy Ashcraft recalled a recent report on NPR, which discussed recent foreclosures. It stated that as developers got into building bigger houses, prospective

buyers stretched to buy bigger houses. She noted that there was a shortage of reasonably-sized affordable housing that would allow people to become homeowners without destroying them financially.

Ms. Soto noted that the City was working with several developers on projects, and that the current Codes require like-kind affordable homes. For instance, a 2,500-square-foot home development would require the affordable units to be like-kind.

President Cook noted that if people wanted mixed use and an active waterfront, they need to be able to look at different housing products and types. She believed it was important for housing or office above retail uses for a true mixed use to be available.

Vice President Kohlstrand inquired whether the parking strategy was intended to attract new office uses into the Webster Street business area. She believed that commercial districts should have on-street parking.

Mr. Fonstein noted that he and Mr. Garrison had taken a walking tour of Park Street before beginning the process of hiring a consultant. They noted that there were changing uses of the structures off Park Street, which were becoming more office building uses.

Vice President Kohlstrand moved to adopt Planning Board Resolution No. 07-\_\_ to endorse the Economic Development Strategic Plan, with the stated modifications.

Board member Ezzy Ashcraft seconded the motion, with the following voice vote – 4. Noes: 0 Absent: 2 (Cunningham, Lynch, Mariani). The motion passed.

**9-C. City of Alameda General Plan Retail Policy Amendments – Applicant – City of Alameda.** The Planning Board will consider a General Plan Amendment to amend Section 2.5 Retail Business and Services, to add and modify policies as recommended by the Alameda Citywide Retail Policy Report. The proposed amendments would affect all properties in non-residential zoning districts and mixed use zoning districts. (AT) **(Staff requests continuation to the meeting of January 14, 2008.)**

Mr. Thomas noted that this item has begun to be circulated publicly, and noted that if the Board did not wish to have mall-style development, the General Plan was the appropriate place to articulate that wish.

This item was continued to January 14, 2008.

10. WRITTEN COMMUNICATIONS: None.

11. BOARD COMMUNICATIONS:

- a. Oral Status Report regarding the Alameda Point Advisory Task Force (Board Members Cook/Kohlstrand).

President Cook advised that there had been no meeting since the last report, and that the next meeting would be held December 13, 2007, at 6:30 p.m. at the Officer's Club.

- b. Oral Status Report regarding the Oakland/Chinatown Advisory Committee (Board Member Mariani).

Board member Mariani was not in attendance to present this report, and no meetings had been held.

- c. Oral Status Report regarding the Transportation subcommittee (Vice President Kohlstrand).

Vice President Kohlstrand advised that no meetings had been held since the last report.

- d. Oral Status Report regarding the Alameda Climate Protection Task Force (Board Member Cunningham).

Board member Cunningham was not in attendance to present this report.

12. ADJOURNMENT: 9:51 p.m.

Respectfully submitted,

Andrew Thomas, Secretary  
City Planning Board

These minutes were approved at the January 28, 2008, Planning Board meeting. This meeting was audio and video taped.